

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF KENTUCKY UTILITIES)	
COMPANY'S AND LOUISVILLE GAS & ELECTRIC)	
COMPANY'S RESPECTIVE NEED FOR AND)	CASE NO.
COST OF MULTIPHASE LANDFILLS AT THE)	2015-00194
TRIMBLE COUNTY AND GHENT GENERATING)	
STATIONS)	

ORDER

On September 10, 2015, Kentucky Utilities Company and Louisville Gas & Electric Company (jointly, "Companies") filed a joint petition, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection to an exhibit filed with the rebuttal testimony of John N. Voyles, Jr. ("Voyles Rebuttal Testimony Exhibit 1"), which the Companies request be held confidential for a period of five years, and certain exhibits filed with the rebuttal testimony of David S. Sinclair ("Sinclair Rebuttal Testimony Exhibit 1, Spreadsheets 2–6"), which the Companies request be held confidential for an indefinite period of time.

Voyles Rebuttal Testimony Exhibit 1 is more specifically described as communications and proposals submitted by Sterling Ventures, LLC ("Sterling Ventures") in response to the Companies' 2013 invitation to bid to supply limestone to the Ghent and Trimble County Generating Stations, and Sterling Ventures proposal to dispose of coal combustion residuals ("CCR") from Trimble County Generating Station in Sterling Venture's limestone mine in Gallatin County, Kentucky. Sinclair Rebuttal

Testimony Exhibit 1, Spreadsheets 2–6, are more specifically described as five Excel spreadsheets containing confidential beneficial vendor pricing information utilized in the Companies' analysis of Sterling Ventures' proposal to use a Warsaw, Kentucky barge facility in the transport of CCRs from Trimble County Generating Station to Sterling Ventures' limestone mine in Gallatin County, Kentucky.

In support of their joint petition, the Companies state that public disclosure of the designated information would likely result in competitive injury to the Companies, and thus is generally recognized as confidential and exempt from public disclosure pursuant to KRS 61.878(1)(c). The Companies assert that public disclosure of the materials for which they seek confidential protection would impede the Companies' ability to procure the best contract terms in negotiations with other entities, to the disadvantage of the Companies and their customers.

Having carefully considered the petition and the materials at issue, the Commission finds that the designated materials contained in Voyles Rebuttal Testimony Exhibit 1 and Sinclair Rebuttal Testimony Exhibit 1, Spreadsheets 2–6, are records that are generally recognized as confidential or proprietary, and which, if openly disclosed, would permit an unfair commercial advantage to competitors, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. The Companies' motion for confidential protection of Voyles Rebuttal Testimony Exhibit 1 and Sinclair Rebuttal Testimony Exhibit 1, Spreadsheets 2–6, is granted.

2. The materials set forth in Voyles Rebuttal Testimony Exhibit 1 shall not be placed in the public record or made available for public inspection for a period of five years, or until further Orders of this Commission.

3. The materials set forth in Sinclair Rebuttal Testimony Exhibit 1, Spreadsheets 2–6, shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

5. The Companies shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then the Companies shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If the Companies are unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow the Companies to seek a remedy afforded by law.

By the Commission

ENTERED
JAN 27 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

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